

Volunteer and Employee Criminal History Service (VECHS) Program

Elderly

Disabled

Protect our

Children

VECHS PROGRAM

Desire to implement NCPA in Florida

First legislative bill failed

Met with United Way & diverse organizations

Identified advantages of national checks

VECHS PROGRAM

Search for Innovative Solutions

1999 Passage of Florida VECHS

943.0542 Access to criminal history information provided by the department to qualified entities.

VECHS PROGRAM

Identified obstacles to implementing:

❖No standard criteria

❖No regulatory agency for all

❖Costs

❖Turnaround time

❖Sharing with multiple entities

❖Impact to volunteerism

VECHS PROGRAM

WAIVER:

A qualified entity shall submit to the department a request for screening an employee or volunteer or person applying to be an employee or volunteer on a completed fingerprint card, with a **signed waiver allowing the release of state and national criminal history record information to the qualified entity.**

VECHS PROGRAM

Pursuant to s. 216.262, the Florida Department of Law Enforcement is granted authority to establish positions in excess of the total authorized positions upon proper request to the Administration Commission. These positions will be established with funding from the Department's Law Enforcement Operating Trust Fund and will be used to process increased workload of conducting criminal history record checks authorized under this section, which is unpredictable but necessary to be processed when requested. These positions will be earmarked by the Department and at such time as they are no longer needed can be placed in a reserve status for future use.

VECHS PROGRAM POSITIONS

1999: 14 allocated; 3 positions filled

2001: Added 4 workload positions and one fingerprint analyst

2007:

- 4 positions for application processing and customer service;
- Fingerprint and result processing absorbed with section work.


VECHS PROGRAM

How will people know the program is available?


VECHS CUSTOMERS



1999 VECHS BROCHURE



Florida Department of Law Enforcement



Checking The Background of Persons Who Work or Volunteer With Children, Elderly And Disabled Persons

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
USER SERVICES BUREAU**

Checking The Background of Persons Who Work or Volunteer With Children, Elderly and Disabled Persons

UNDER 1943.054(2), FLORIDA STATUTES*

Organizations in Florida that have employees or volunteers who work with children, elderly or disabled persons can obtain state and national criminal history information to determine if these persons have arrests and/or convictions in Florida or in other states. By learning about the criminal history of the employee or volunteer, the organization can screen out those persons who have demonstrated that they are not suitable for contact with vulnerable individuals.

*This section does not apply to those persons currently required to have criminal history record checks under other chapters provided. Those persons should continue to follow the regulatory mandates that specifically apply to them.

In order to obtain this criminal history information, the organization will need to:

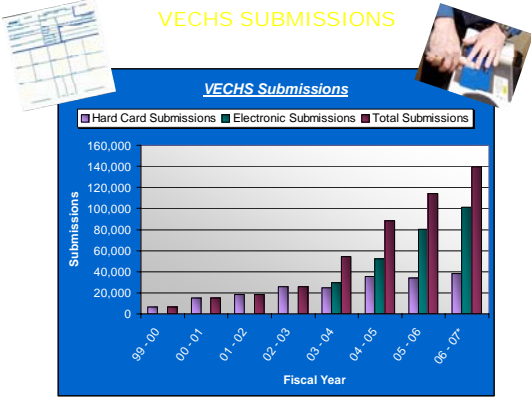
- ✓ Submit an application to FDLE explaining what functions the organization performs that would serve children, elderly or disabled persons;
- ✓ Sign an agreement that the criminal history information would be used only to screen employees and volunteers;
- ✓ Submit a completed fingerprint card and \$28 for each employee or \$33 for each volunteer being checked; and
- ✓ Submit a copy of the completed Waiver Agreement for each employee and volunteer.

In return, FDLE will send the organization:

- ✓ An indication that the person has no criminal history, or, no serious arrests in state or national databases, if there is none;
- ✓ The criminal history record (CMR sheet) that shows arrests/and or convictions for Florida and other states, if any; and
- ✓ Notification of any warrants or domestic violence injunctions that the person may have.

If you want additional information on this service, please check the FDLE web site, www.fdle.state.fl.us for details. If you do not have internet access, you may call FDLE at (850) 410-7563 to get the materials mailed to you.

VECHS SUBMISSIONS



HOW DO WE GET STARTED?

IMPLEMENTATION PLAN

What is a Qualified Entity?

How do we uniquely identify each Qualified Entity?

How do we differentiate between employees and volunteers?

When can entities share criminal history information?

WHAT IS A QUALIFIED ENTITY?

Organization which provides care or care placement services.

- ✓ Public
- ✓ Private
- ✓ Profit
- ✓ Not-For-Profit

"Care" – provision of care, treatment, education, training instruction, supervision or recreation

WHO CAN QUALIFIED ENTITIES SCREEN?

Current and prospective employees & volunteers:

- ✓ Who work with and/or...
have unsupervised access to children, the elderly or the disabled.

ALL current and prospective employees & volunteers.

- ✓ Not only those working with the vulnerable persons.

QUALIFIED ENTITY NUMBER


Unique number used to identify each Qualified Entity.

- Used as an "ORI" for each entity.
- Used in the "OCA" field of a FP card.

The FDLE VECHS ORI is preprinted on all FP cards distributed to VECHS entities for submissions.

QUALIFIED ENTITY NUMBER

9 character alpha-numeric identifier.



- ✓ Begins with an "E" for employees and "V" for volunteers.
- ✓ Following the "E" or "V" is a two digit county code, a two digit legal entity code and the next unused four digit consecutive number in that respective county.

Used for accountability, statistical, tracking and billing purposes.

VECHS QUALIFIED ENTITY APPLICATION



Florida Department of Law Enforcement
Criminal Justice Information Services / User Services Bureau

VECHS QUALIFIED ENTITY APPLICATION
Volunteer & Employee Criminal History System (VECHS)
for Criminal History Record Checks
under the National Child Protection Act of 1993, as amended,
and Section 943.0542, Florida Statutes

VECHS QUALIFIED ENTITY APPLICATION

Qualifying Services

LEGAL TYPE OF ENTITY (Select yes) Governmental (Public) ☐ Private- Non-Profit ☐ Private- Profit ☐

Please check all appropriate areas below that apply to the services provided by your entity to children, the elderly and/or the disabled. NOTE: A "child" includes any unemancipated person under 18 years of age that has not been emancipated by order of a court. An "elderly person" means any person 60 years of age or older. A "disabled person" includes any person with a mental or physical impairment who requires assistance to perform one or more daily tasks.

Type of Person(s)	Care or Treatment	Education, Training, or Instruction	Supervision	Recreation	Care Placement
Child					
Elderly					
Disabled					

ENTITY MISSION STATEMENT/SUMMARY OF TYPE OF SERVICES YOUR ENTITY PROVIDES: Please describe the services your entity provides that would qualify your entity to receive state and national criminal history record checks under this program and the applicable laws:

Mission Statement

VECHS QUALIFIED ENTITY APPLICATION

"PLEASE NOTE: Entities that are required to obtain state and national (LEVEL 2) criminal history checks under other statutory provisions, on all or specific employees/volunteers, must continue to comply with those statutes and the procedures that specifically apply to them. These entities must continue to use the fingerprint cards specifically provided for processing the required record checks. Requests for these required criminal history record checks may not be processed through the VECHS Program, pursuant to federal and Florida law.

Voluntary criminal history checks only.

VECHS USER AGREEMENT



Florida Department of Law Enforcement
Criminal Justice Information Services
User Services Bureau

VECHS USER AGREEMENT
Volunteer & Employee Criminal History System (VECHS)
for Criminal History Record Checks by a Qualified Entity
under the National Child Protection Act of 1993, as amended,
and Section 943.0542, Florida Statutes



VECHS USER AGREEMENT

Page 1: Section I. Parties to Agreement, C

C. User is a public, private, for profit, or not-for-profit entity operating within the State of Florida and is authorized to submit fingerprint cards and review resultant criminal history records as part of the screening process for its current and/or prospective employees and volunteers (which classes of persons shall be understood for purposes of this Agreement to include contractors and vendors who have or may have unsupervised access to the children, disabled, or elderly persons for whom User provides care) pursuant to section 943.0542, F.S., and the NCIPA, and forms the legal basis for User's access to criminal history record information derived from the systems of the U.S. Department of Justice; and

Qualified Entity



VECHS USER AGREEMENT

Page 2: Section II. Service, Compliance and Processing, B.3

3. Obtain a completed and signed Waiver Agreement and Statement form (provided by FDLE) from every current or prospective employee and volunteer, for whom User submits a request for a criminal history background check to FDLE. (The signed Waiver Agreement and Statement allows the release of state and national criminal history record information to the qualified entity.) The Waiver Agreement and Statement must include the following: (a) the person's name, address, and date of birth that appear on a valid identification document (as defined at 18 U.S.C. section 1028); (b) an indication of whether the person has or has not been convicted of a crime, and, if convicted, a description of the crime and the particulars of the conviction; (c) a notification to the person that User may request a criminal history background check on the person as authorized by section 943.0542, F.S., and the NCIPA; (d) a notification to the person of his or her rights as explained in paragraph 12 below; and (e) a notification to the person that, prior to the completion of the background check, User may choose to deny him or her unsupervised access to a person to whom User provides care. User shall retain the original of every Waiver Agreement and Statement and provide FDLE with a copy thereof.

Waiver Agreement and Statement



VECHS USER AGREEMENT

Page 3: Section II. Service, Compliance and Processing, B.11

11. Share criminal history information with other qualified entities only after confirming with FDLE that the requesting entity has been designated a qualified entity and has signed a user agreement, and only after verifying that the current prospective employee or volunteer has authorized the release of his or her criminal history records, if any, to other qualified entities by a statement on his or her signed waiver. Sealed or expunged criminal history information may not be shared with another qualified entity unless that qualified entity has been confirmed by FDLE as authorized to receive such information. User will respond that it is unable to provide any information to the requesting entity if the current or prospective employee or volunteer has requested that his or her criminal history record (s) not be released to any other qualified entity; and

Criminal History Information Sharing



VECHS USER AGREEMENT

Page 4: Section II. Service, Compliance and Processing, B.12

12. Notify the current or prospective employee or volunteer of his or her right to obtain a copy of the criminal history records, if any, contained in the report, and of the person's right to challenge the accuracy and completeness of any information contained in any such report, and to obtain a determination as to the validity of such challenge before a final determination regarding the person is made by the qualified entity reviewing the criminal history information. (Information on these rights may be obtained by contacting FDLE, regarding Florida records, at FDLE, Attn: USB/VECHS Unit, P.O. Box 1489, Tallahassee, Florida 32302-1489, (850) 410-8324, or by contacting the FBI, regarding federal/national records, at FBI, Criminal Justice Information Services Division, Attn: SCU, MOD D-2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, (304) 625-3878.) A qualified entity that is required by law to apply screening criteria, notwithstanding any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the department.

Right to Personal Review



VECHS USER AGREEMENT

Pages 4 & 5: Section III. Privacy and Security, B & G

- B. User shall not commingle criminal history records with other records, whether such other records are public or not;
- G. User shall keep criminal history records acquired hereunder in a secure file, safe, or other security device, such as locked file cabinet in an access-controlled area, and shall take such further steps as are necessary to insure that the records are accessible only to those of its employees who have been trained in their proper use and handling and have a need to examine such records; and

Privacy and Security



VECHS USER AGREEMENT

Page 5: Section III. Privacy and Security, F

F. User may destroy criminal history records when they are no longer needed. The original Waiver Agreement and Statement form must be retained by User for as long as the employee or volunteer is working for User, or for five years, whichever is longer. Destruction must be accomplished in a way so that the information cannot be retrieved, for example, the records may be shredded;

Criminal History Records Destruction

VECHS USER AGREEMENT

Page 6: Section V. Miscellaneous, A.1-4

1. User is currently operating a lawful business or other entity within the State of Florida, with a physical address in Florida;

2. User is legally authorized to operate its business or other entity within the State of Florida;

3. User has complied and will continue to comply with all requirements to properly operate its business or other entity within the State of Florida; and

4. User shall promptly notify FDLE upon any change to the above, including but not limited to name, address, and status as a business or other entity operating in Florida.

Operate in the State of Florida

VECHS QUALIFIED ENTITY APPLICATION & USER AGREEMENT

Qualified Entity Application & User Agreement must be:


✓ Completed and signed

✓ Submitted together

✓ Original documents

✓ Received to complete the registration process and send out materials.

VECHS WAIVER AGREEMENT AND STATEMENT



Florida Department of Law Enforcement
Criminal Justice Information Services Division/User Services Bureau

VECHS WAIVER AGREEMENT AND STATEMENT
Volunteer & Employee Criminal History System (VECHS)
for Criminal History Record Checks
under the National Child Protection Act of 1993, as amended,
and Section 943.0542, Florida Statutes

VECHS WAIVER AGREEMENT AND STATEMENT
(NCPA REQUIREMENTS)

Entity is permitted to request a background check.

I hereby authorize (enter Name of Qualified Entity) to submit a set of my fingerprints and this form to the Florida Department of Law Enforcement for the purpose of accessing and reviewing Florida and national criminal history records that may pertain to me. I understand that I would be able to receive any national criminal history record that may pertain to me directly from the FBI.

Affirmation the subject has not been convicted of a crime and if so, contains a description of the crime and its particulars.

I ___ have, OR ___ have not, been convicted of a crime.
If convicted, describe the crime(s) and the particulars of the conviction(s) in the space below:

VECHS WAIVER AGREEMENT AND STATEMENT
(NCPA REQUIREMENTS)

- Right to obtain a copy of the background check report and perform a personal review.
- Entity may deny the provider unsupervised access to a person under the entity's care until the completion of the background check.

★ I understand that, until the criminal history background check is completed, you may choose to deny me unsupervised access to children, the elderly, or individuals with disabilities. I further understand that, upon request, you will provide me a copy of the criminal history background report, if any, you receive on me and that I am entitled to challenge the accuracy and completeness of any information contained in any such report. I may obtain a prompt determination as to the validity of my challenge before you make a final decision about my status as an employee, volunteer, contractor, or subcontractor.

VECHS WAIVER AGREEMENT AND STATEMENT
(FLORIDA REQUIREMENTS)

- Subject must indicate if a previous request for screening was submitted by another qualified entity.
- Subject may authorize the qualified entity to share the background check report with another qualified entity.

★ A national criminal history background check on me has previously been requested by:
(Name and Address of Previous Qualified Entity) (Year of Request)

I ___ have, OR ___ have not, been convicted of a crime.
If convicted, describe the crime(s) and the particulars of the conviction(s) in the space below:

★ I ___ do, OR ___ do not, authorize you to release my criminal history records, if any, to other qualified entities.

NEW ENTITY INFORMATION PACKET

- A welcome letter providing the new entity with their Qualified Entity Number.
- VECHS Waiver Agreement and Statement
- Fingerprint cards, completion directions and submissions checklist.
- Standard abbreviations, terms and definitions commonly found in a criminal history.
- Copy of the User's Agreement and Application.

NEW ENTITY INFORMATION PACKET

- Directory of state repositories.
- Florida Clerks of Court and their contact information.
- Instructions for a personal review.
- Sample dissemination log for sharing of results.
- Rejected FP card procedures.

PROCESSING HARD CARD SUBMISSIONS

Review submission for:

- ✓ Completion of FP card including entity number in the OCA field.
- ✓ Appropriate payment is included
- ✓ Copy of Waiver enclosed

PROCESSING HARD CARD SUBMISSIONS

Submissions are prepared for processing.

- ✓ State results are processed and returned to the Entity within 5 business days.
- ✓ Forward FP card to the FBI, as appropriate. Otherwise, the processing is completed and the results are returned to the customer.

The FBI results, or Civil Applicant Responses, are returned to FDLE.

- ✓ These results are logged and forwarded to the Entity within 48 hours after receipt from the FBI.



PROCESSING ELECTRONIC SUBMISSIONS

NIST fingerprint package sent from livescan device:

- ✓ Checked to ensure complete package.
- ✓ Information on the Qualified Entity as well as the individual applicant and his or her fingerprints are submitted.
- ✓ Appropriate payment is made by credit card.
- ✓ Copy of Waiver is emailed or faxed to FDLE the same day; FDLE confirms these manually.

PROCESSING ELECTRONIC SUBMISSIONS

Submissions are processed through the state system:

- ✓ State results are processed and held until national results are available.
- ✓ The submission is forward to the FBI, as appropriate. Otherwise, the processing is completed and the results are returned to the customer.

The FBI results are returned to FDLE:

- ✓ Results are paired with the state results and returned to the Entity within 2 to 3 working days of the fingerprint submission.

VECHS WEB SITE

www.fdle.state.fl.us/BackgroundChecks



VECHS WEB SITE



VECHS WEB SITE





SCREENING CRITERIA

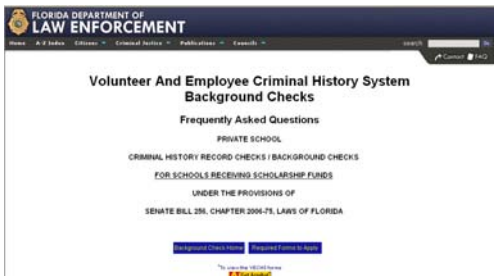
- The NCPA / Florida law does not define specific screening criteria for evaluations.
- The establishment of screening criteria is solely the responsibility of each qualified entity.
- Chapter 435, Florida Statutes, Employment Screening
 - ✓ Entities may use this Chapter as a guideline in establishing their own screening criteria.



VECHS PRIVATE SCHOOLS

- Private schools voluntarily conduct state and national background checks on employees and contracted personnel through VECHS in order to receive state scholarship funds.
- Development of a specialized VECHS Private Schools Waiver.
 - ✓ Authorizes release of criminal history information to the Florida Department of Education.

PRIVATE SCHOOLS



VECHS CONTACT INFORMATION

Mailing Address:

Florida Department of Law Enforcement
User Services Bureau / VECHS
Post Office Box 1489
Tallahassee, FL 32302-1489

Website:

www.fdle.state.fl.us/backgroundchecks

Phone Numbers:

(850) 410-VECHS or (850) 410-8324
